

1 JAMES ATTRIDGE [SBN NO. 124003]
Business Trial Lawyer
2 The Fox Plaza, Suite 1204
1390 Market Street
3 San Francisco, CA 94102
Telephone: (415) 552-3088

4 Attorney for Plaintiff
5 ONEBEACON INSURANCE COMPANY
6
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 ONEBEACON INSURANCE COMPANY,

12 Plaintiff(s),

13 v.

14 HAAS INDUSTRIES, INC.,

15 Defendant(s).
16
17

Case No: C-07-3540 BZ (MEJ)

**DECLARATION OF DAVID MAUS IN
RESPONSE TO DEFENDANT'S
OPPOSITION TO PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, FOR PARTIAL
SUMMARY JUDGMENT**

Date: April 2, 2008

Time: 10:00 a.m.

Courtroom: Courtroom G
18

19 I, DAVID MAUS, declare and state:

20 1. I am a Subrogation Supervisor employed by plaintiff ONEBEACON Insurance
21 Company ("ONEBEACON"). I know the following of my own personal knowledge and if
22 called upon to do so, could and would competently testify thereto.

23 2. The insurance policy issued by OneBeacon in this matter was a general property
24 loss package issued for the period extending from August 1, 2004 to August 1, 2005. It was not
25 a spot insurance policy issued with this particular shipment in mind. It does not specifically
26 cover shipments of this particular product, shipments from Omneon, or shipments to City
27 College of New York. It embraces unforeseen property loss, including loss in transit which took
28 place during that time frame. The coverage summary normally maintained by OneBeacon is

1 attached as Exhibit 6.

2 I declare under penalty of perjury under the laws of the United States of America that the
3 foregoing is true and correct.

4 Executed on this 18th day of March, 2008, at Foxborough, Massachusetts.

5

6

/s/

DAVID MAUS

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT 6

Common

This summary contains only a general description of the coverages and does not include all of the benefits and limitations found in the policy. The insurance policy itself, not this descriptive summary, will form the contract between the insured and the insurance company.

Insured PROFESSIONAL PRODUCTS, INC.
 9116 GAITHER RD
 GAITHERSBURG, MD 20877-1422

Producer HRH OF METROPOLITAN WASHINGTON, INC.
 STE 200 800 KING FARM BOULEVARD
 ROCKVILLE, MD 20850-0000

Policy Number 719-00-86-39-0000

Product @vantage for Wholesalers

Policy Term 08/01/2004 to 08/01/2005

Renewal of 494-40-77-28-0000

Transaction Policy Change
 Effective 01/03/2005
 Quote 342241-1
 Printed 08/01/2005

Company Atlantic Specialty

Business
 Description WHOLESALE OF AUDIO & VISUAL EQUIPMENT
 Type Corporation

FEIN 520847274

Premium Summary

Coverage Section	Premium
Property Coverages	
Non-Reporting	\$30,831
Reporting: Deposit Premium	\$9,639
Liability Coverages	\$18,503
Automobile Coverages	\$29,598
Terrorism Coverage	\$748
Estimated Total Premium	\$89,319
Estimated Total State Surcharges	\$30.39

State Surcharges

\$30.39 WV-VOLUNTEER FIRE DEPARTMENTS AND TEACHERS' RETIREMENT SYSTEM

Common Policy Forms

Policy: 719-00-86-39-0000 (Quote: 342241-1)

Form	Description
4 VIL 100 10 98	COMMON POLICY DECLARATIONS- ATLANTIC SPECIALTY
ASC 00 02 01 98	PREMIUM STATEMENT
ASC 00 12 01 98	SCHEDULE OF LOCATIONS
CLD 120 08 98	SCHEDULE OF PAYMENTS
VIL 001 10 98	COMMON POLICY CONDITIONS
VIL 607 MD 10 98	MD CHANGES
VIL 620 WV 09 02	WV CHANGES
VIL 684 VA 09 99	VA CHANGES - COUNTERSIGNATURE
ASC 00 11 01 98	Schedule 1 - NAMED INSURED
ASC 00 11 01 98	Schedule 2 - STATE CHARGES
ASC 00 11 01 98	Schedule 3 - REPORTING SCHEDULE
ASC 00 11 01 98	Schedule 4 - LIST OF COMMON DEC FORMS

Non-Policy Forms

Form	Description
A 1038 04 93	VA UM SELECTION
A 1055A 10 90	MD UM REJECTION
ACA 144 09 00	(*) WV UM COVERAGE OFFER
ACA 145 09 00	WV UM & UIM COVERAGE IMPORTANT NOTICE
AR 69 06 92	STATEMENT OF VALUES
AR 70 04 96	REPORTING LETTER
CLD 134 02 03	POLICYHOLDER DISCLOSURE NOTICE OF TERRORISM INSURANCE COV
G 1904 08 99	VA NOTICE TO POLICYHOLDERS
UA 138A 05 01	VA UM COV IMPORTANT NOTICE
UA 173 07 94	VA ADDITIONAL COVERAGE NOTICE
VGN 002 10 98	SPECIAL PROPERTY PLUS COVG QUICK REFERENCE GUIDE

* For Specific Data Contained in Form, Please Refer to Policy

Named Insured

PROFESSIONAL PRODUCTS, INC.

F.S. BURKE 1999 FAMILY TRUST

PROF. PROD., INC. CASH OPTION PROFIT SHARING PLAN

GROUP HEALTH PLAN AND GROUP LIFE

PROFESSIONAL PRODUCTS, INC. SEC 125 PLAN

ORO

Agency Bill - 25% DEPOSIT AND 10 EQUAL PAYMENTS

Auditable Policy

Producer Code: 0-015-2174

Policy Type Code: 3

Policy: 719-00-86-39-0000 (Quote: 342241-1)

SIC Code: 5065

Policy Dominate State: MD

Policy Change - Prepaid

Producer Commission

Property	17.50%
Liability	17.50%
Boiler	17.50%
Automobile	15.00%

Locations

Loc	Bldg	Address
2	1	1031 TECHNOLOGY PARK RD RICHMOND, VA 23237-9999
3	1	6811 REED ST BETHESDA, MD 20814-2917
4	1 HARBOUR CENTRE	2 EATON ST STE 504 HAMPTON, VA 23669-4558
5	1	9124 GAITHER RD GAITHERSBURG, MD 20877-1422
	2	9124 GAITHER RD GAITHERSBURG, MD 20877-1422
6	1	4962 FAIRMONT AVE BETHESDA, MD 20814-6023
7	1	108 ROXALANA BUSINESS PARK DUNBAR, WV 25064-2726

ORO

Loc	Bldg	Protection Class Construction Sprinkler	04 NON-COMBUSTIBLE (03) No
2	1	Protection Class Construction Sprinkler	10 NON-COMBUSTIBLE (03) No
4	1	Protection Class Construction Sprinkler	04 FIRE RESISTIVE (06) No
5	1	Protection Class Construction Sprinkler	04 MASONRY NON-COMBUSTIBLE (04) Yes
6	1	Protection Class Construction Sprinkler	04 JOISTED MASONRY (02) No
7	1	Protection Class Construction Sprinkler	04 JOISTED MASONRY (02) No

Property

Loc	Bldg	Coverage	Limit	Deductible	Val	Premium
Property Blanket Coverages						
		Business Personal Property	\$2,005,000			\$4,940
2	1			\$1,000	RC	
4	1			\$1,000	RC	
5	1			\$1,000	RC	
7	1			\$1,000	RC	
		Stock	\$6,910,000			\$10,892
2	1			\$1,000	RC	
4	1			\$1,000	RC	
5	1			\$1,000	RC	
7	1			\$1,000	RC	
		Business Income & Extra Expense Extended Period of Indemnity 120 days	\$7,270,200			\$19,306
2	1					
4	1					
5	1					
6	1					
7	1					
Property Location Coverages						
5	1	Hardware, Software, Media and Data Installation Tools and Equip Property	\$500,000 \$250,000	\$500 \$500	FRC	\$1,320 \$250
6	1	Building	\$858,000	\$1,000	RC	\$1,862
Property Policy Coverages						
		Equipment Breakdown Portfolio				Included
		Expediting Expenses	\$100,000			
		Hazardous Substances	\$100,000			
		Perishable Goods	\$100,000			
		CFC Refrigerants	\$100,000			
		Business Income				
		Transit Limit of Insurance	\$420,000	\$1,000		\$1,500
		Miscellaneous Tools and Equipment	\$13,650	\$1,000		\$100
		Other Location Limit of Insurance	\$210,000	\$1,000		\$300
Property Policy Coverage Enhancements						
		Bucket	\$500,000			
		Personal Effects				
		Valuable Information Property				
		Accounts Receivable				
		Outdoor Property				
		Fine Arts				
		Hardware, Software, Media and Data				
		Fire Extinguisher and Automatic				

Extinguishing System Recharge		
Fire Department Service Charge		
Conditional Sales Agreement		
Consequential Damage		
Tenants Improvements & Betterments		
Business Income or Extra Expense Stock in Transit	\$100,000	
Business Income or Extra Expense Stock at Any Other Location	\$100,000	
Crime Limit of Insurance	\$50,000	\$1,000
Money and Securities		
Employee Dishonesty		
Money Orders and Counterfeit Paper		
Currency		
Forgery and Alteration		
ERISA Employee Dishonesty	\$50,000	\$0
Newly Acquired or Constructed Property		\$1,000
Building	\$1,000,000	
Personal Property	\$1,000,000	
Claim Expense	\$50,000	\$0
Rewards	\$25,000	\$0
Contractual Penalties	\$25,000	\$0

Property Location Coverage Enhancements

The following coverages are at each Location/Building with Building Coverage unless otherwise stated:

Building Ordinance	\$500,000	\$0
--------------------	-----------	-----

The following coverages are at each Location/Building unless otherwise stated:

Business Income Off Premises Power or Communication Failure	\$100,000	
Power (Not Including Overhead Transmission Lines), Communication (Not Including Overhead Transmission Lines)		
Contingent Business Premises	\$100,000	
Pollutant Clean Up and Removal	\$100,000	\$1,000
Debris Removal	\$250,000	\$1,000
Special Theft Limits of Insurance		
Furs	\$10,000	\$1,000
Jewelry	\$10,000	\$1,000
Precious Metals	\$25,000	\$1,000
Stamps	\$1,000	\$1,000

Property Causes of Loss

General Causes of Loss Applies to the following coverages:

Business Income or Extra Expense
 Stock at Any Other Location
 Other Location Limit of Insurance
 Newly Acquired or Constructed
 Property
 Claim Expense
 Rewards
 Contractual Penalties
 Building
 Business Personal Property
 Stock
 Business Income & Extra Expense
 Business Income Off Premises Power
 or Communication Failure
 Contingent Business Premises
 Pollutant Clean Up and Removal
 Debris Removal
 Building Ordinance
 Special Theft Limits of Insurance

Inland Causes of Loss Applies to the following coverages:

Hardware, Software, Media and Data
 Installation Tools and Equip
 Property

Property Automatic Increase in Limits

The following Automatic Increase in Limits apply to the listed coverages
 unless otherwise stated:

0% Automatic Increase in Limits
 Building
 Business Personal Property

Property Forms

Form	Description
ACP 74 05 88	MORTGAGEHOLDER INTEREST
ASC 00 03 01 98	PROPERTY COV PART DEC - POLICY LEVEL LIMITS OF INSURANCE
ASC 00 13 01 98	SUPPLEMENTAL PROPERTY DEC
VCP 001 10 98	SPECIAL PROPERTY PLUS COVERAGE
VCP 003 10 98	PROPERTY CONDITIONS
VCP 100 10 98	COMMERCIAL PROPERTY DEC
VCP 101 02 99	BUCKET LIMIT OF INSURANCE DEC
VCP 208 05 99	TENTATIVE RATE
VCP 226 10 98	LOSS PAYABLE PROVISIONS
VCP 230 10 98	(*) PROTECTIVE SAFEGUARDS
VCP 253 05 99	(*) VALUE REPORTING FORM
VCP 294 10 98	(*) ACCIDENT DEDUCTIBLES
VCP 322 12 99	MISCELLANEOUS TOOLS & EQUIPMENT
VCP 330 05 99	MANDATORY PROPERTY ENDT
VCP 403 11 02	CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM
VIL 635 VA 02 04	VA AMENDATORY ENDT
ASC 00 11 01 98	Schedule 5 - ADDITIONAL INTEREST
ASC 00 11 01 98	Schedule 6 - PROPERTY FORMS LIST
ASC 00 11 01 98	Schedule 7 - TENTATIVE RATE SCHEDULE

* For Specific Data Contained in Form, Please Refer to Policy

Loss Payable

AT&T CREDIT CORP, ATIMA
PO BOX 96064
BELLEVUE, WA 98009-9664

Loc Bldg
2 1 Business Personal Property
4 1 Business Personal Property

COPELCO CREDIT CORP
C/O LIAS
1756 114TH AVE SE
BELLEVUE, WA 98004-6947

Loc Bldg
2 1 Business Personal Property
4 1 Business Personal Property

GENERAL ELECTRIC CAPITAL CORPORATION
LEE FARM CORPORATE PARK
83 WOOSTER HTS
DANBURY, CT 06810-7548

Loc Bldg
RE: ALL PROPERTY

BANK OF AMERICA
100 S CHARLES ST
BALTIMORE, MD 21201-2725

Loc Bldg
2 1 Business Personal Property
2 1 Stock
4 1 Business Personal Property

BANK OF AMERICA
ATTN: TYRA MASSEY
PO BOX 31152
CHARLOTTE, NC 28231-1152

Loc Bldg
2 1 Business Personal Property

Mortgage Holder

BANK OF AMERICA
ATTN: TYRA MASSEY
PO BOX 31152
CHARLOTTE, NC 28231-1152

Loc Bldg
6 1

ORO**Specific Coverage Limits**

2	1 Business Personal Property	\$90,000
	Stock	\$850,000
	Business Income & Extra Expense	\$576,000
4	1 Business Personal Property	\$10,000

		Stock	\$30,000
		Business Income & Extra Expense	\$288,000
5	1	Business Personal Property	\$1,900,000
		Stock	\$6,000,000
		Business Income & Extra Expense	\$5,760,000
6	1	Business Income & Extra Expense	\$150,000
7	1	Business Personal Property	\$5,000
		Stock	\$30,000
		Business Income & Extra Expense	\$5,000